

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CY VIATOR, #84803-379,
Movant,**

v.

**UNITED STATES OF AMERICA,
Respondent.**

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**CIVIL NO. 3:20-CV-0531-D
(CRIMINAL NO. 3:15-CR-044-D-24)**

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Movant filed objections,* and the undersigned district judge has made a *de novo* review of those portions of the proposed findings, conclusions, and recommendation to which objection was made. The objections are overruled, and the court adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the movant has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this

*On April 23, 2021 movant requested that the court extend the deadline to file objections. The court granted the request on April 26, 2021 and extended the deadline to June 21, 2021. On April 29, 2021, however, movant filed his objections to the findings, conclusions, and recommendations of the magistrate judge. Because movant has already filed his objections, this matter can now be decided by the court.

court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

If movant files a notice of appeal,

() movant may proceed *in forma pauperis* on appeal.

(X) movant must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

May 5, 2021.


SIDNEY A. FITZWATER
SENIOR JUDGE